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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/703,828	Applicant(s) KURZWEIL ET AL.	
	Examiner Blaine Basom	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,5-10,18 and 23-26 is/are allowed.
- 6) ☒ Claim(s) 3,4,11-14,16,17,19,20,22,27-29,31 and 32 is/are rejected.
- 7) ☒ Claim(s) 15,21 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form, PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of the Appeal Brief received on 6/30/2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Specification

The disclosure is objected to because of the following informalities: the specification of the present Application references "FIG. 16" (see page 8, lines 19-20), however, no such figures exists. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-22 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 21, there is no antecedent basis for “the linked data structures.” In each of claims 22 and 32, there is no antecedent basis for “the poem.”

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3-4, 11-14, 19-20, 22, 27-29, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,966,691, which is attributed to Kibre et al. (hereafter referred to as “Kibre”). In general, Kibre describes a screen saver intended to make computers easier to interact with (see e.g. column 1, line 7 – column 2, line 7).

Specifically regarding claim 3, Kibre discloses that such a screen saver automatically composes text based on a seed word (i.e. a randomly-selected verb) which appears on a display

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unit during screen saver mode (see e.g. column 5, lines 46 – column 6, line 28; and column 7, lines 13-26). Kibre further discloses that this screen saver is implemented as a program executed by a computer, which as known in the art, comprises a central processing unit, a random access memory, and a display unit (see e.g. column 2, lines 17-33). Such a computer implementing the screen saver of Kibre is considered an “automatic composition system,” like described in claim 3.

Claim 4 requires the automatically-composed text of claim 3 to be poetry. As this requirement does not explicitly result in a structural or functional difference in the automatic composition system of claim 3, the poetry of claim 4 is considered non-functional descriptive material. Nevertheless, Kibre discloses that the text that is automatically generated by the screen saver may be composed according to a “poetic license” switch (see e.g. column 6, lines 33-49). It is therefore apparent that the text generated by the screen saver of Kibre can be poetry.

As per claims 19 and 20, Kibre teaches analyzing at least one pre-existing composition (i.e. a lexicon) to generate linked data structures (i.e. a tree) (see e.g. column 5, line 59 – column 6, line 11), and generating a new composition from the linked data structures by using the linked data structures to locate a word loaded, i.e. input, by the user in the linked data structure and to determine words that follow it in the linked data structure (see e.g. column 5, lines 44-56; and column 6, lines 12-18). It is apparent that such a linked data structure may include 1-grams, bigrams, trigrams, and quadrigrams (see e.g. column 5, lines 28-37).

Concerning claim 22, Kibre teaches an interface option to activate a particular personality-type to generate the text (see e.g. column 6, line 33 – column 7, line 7). Kibre, that

is, teaches selecting an interface that includes a screen saver interface option to select from available personality to generate the text.

Specifically regarding claim 11, Kibre describes a screen saver which automatically composes text based on a seed word (i.e. a randomly-selected verb) which appears on a display unit of a computer during screen saver mode (see e.g. column 5, lines 46 – column 6, line 28; and column 7, lines 13-26). Such a seed word may be entered, i.e. loaded, by the user (see e.g. column 6, line 49 – column 7, line 7). Accordingly, Kibre teaches a method like that of claim 11, which comprises automatically composing text based on a user input word that appears on a display unit of a system during a screen saver mode entered into by the system.

Claim 12 requires the automatically-composed text of claim 11 to be a poem. As this requirement does not explicitly result in a structural or functional difference in the automatic composition system of claim 11, the poem of claim 14 is considered non-functional descriptive material. Nevertheless, Kibre discloses that the text that is automatically generated by the screen saver may be composed according to a “poetic license” switch (see e.g. column 6, lines 33-49). It is therefore apparent that the text generated by the screen saver of Kibre can be a poem.

Further concerning claim 12, Kibre teaches an interface option to activate a particular personality-type to generate the text (see e.g. column 6, line 33 – columns 7, line 7). As the user may use such options to activate different personality-types over a period of time, such an option may be used to select a particular order of personalities to generate the text. Whatever window in which these options are presented is considered a dialog box. Kibre, that is, teaches selecting an interface that includes a screen saver interface option to open a dialog box to activate a selected order of using personalities to generate the text.

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As per claims 13 and 14, Kibre teaches analyzing at least one pre-existing composition (i.e. a lexicon) to generate linked data structures (i.e. a tree) (see e.g. column 5, line 59 – column 6, line 11), and generating a new composition from the linked data structures by using the linked data structures to locate a word loaded, i.e. input, by the user in the linked data structure and to determine words that follow it in the linked data structure (see e.g. column 5, lines 44-56; and column 6, lines 12-18). It is apparent that such a linked data structure may include 1-grams, bigrams, trigrams, and quadrigrams (see e.g. column 5, lines 28-37).

Specifically regarding claim 27, Kibre describes a screen saver which automatically composes text based on a seed word (i.e. a randomly-selected verb) which appears on a display unit of a computer during screen saver mode (see e.g. column 5, lines 46 – column 6, line 28; and column 7, lines 13-26). Such a seed word may be entered, i.e. loaded, by the user (see e.g. column 6, line 49 – column 7, line 7). Kibre discloses that such screen saver is implemented as a program, which is necessarily stored on a computer readable medium (see e.g. column 2, lines 17-33). The screen saver of Kibre, as stored on a computer readable medium, is therefore considered a computer program product like that of claim 27.

As per claims 28 and 29, Kibre teaches analyzing at least one pre-existing composition (i.e. a lexicon) to generate linked data structures (i.e. a tree) (see e.g. column 5, line 59 – column 6, line 11), and generating a new composition from the linked data structures by using the linked data structures to locate a word loaded, i.e. input, by the user in the linked data structure and to determine words that follow it in the linked data structure (see e.g. column 5, lines 44-56; and column 6, lines 12-18). It is apparent that such a linked data structure may include 1-grams, bigrams, trigrams, and quadrigrams (see e.g. column 5, lines 28-37).

Concerning claim 32, Kibre teaches an interface option to activate a particular personality-type to generate the text (see e.g. column 6, line 33 – columns 7, line 7). Kibre, that is, teaches selecting an interface that includes a screen saver interface option to select from available personality to generate the text.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. Patent of Kibre, which is described above, and also over U.S. Patent No. 6,091,411, which is attributed to Straub et al. (and hereafter referred to as “Straub”). As shown above, Kibre describes a method like that of claim 11, and a computer program product like that of claim 27, which are for automatically composing text to be displayed as a screen saver. Kibre also teaches options to customize the screen saver (see e.g. column 7, lines 12-26). However, Kibre does not disclose that these options include a link to a dialogue box having information on upgrading. In other words, Kibre does not explicitly teach selecting an interface that includes a screen saver interface option to open a dialogue box having an option to provide a link to a dialogue box having information on upgrading, as is recited in claims 16 and 31.

Straub describes “themed enhancements” that alter the appearance and feel of an operating system graphical user interface by providing a group of resources, including a screen saver, that relate to a specific theme (see column 2, lines 40-55). Moreover, Straub teaches that such resources, including the screen saver, may be updated (see column 3, lines 49-52). Straub particularly states that “because the themed enhancements are recurrently updated, the themed enhancements are more likely to retain the user’s interest, as well as the timeliness of their information content” (see column 3, line 67- column 4, line 3).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Kibre and Straub before him at the time the invention was made, to modify the method taught by Kibre, such that the screen savers may be updated, like those taught by Straub. In other words, it would have been obvious to modify the method taught by Kibre such that the basic screen saver options include a link to a dialogue box having information on upgrading, the basic screen saver options provided via the interface option that includes a screen saver interface option to open a dialogue box having an option to provide the basic screen saver options. It would have been advantageous to one of ordinary skill to utilize such a combination because the updated screen savers would be more likely to retain the user’s interest, as is taught by Straub.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. Patent of Kibre, which is described above, and also over the Microsoft Windows NT 4.0 Operating System, as taught by Jacquelyn Gavron and Joseph Moran in the book entitled “How to Use Microsoft Windows NT Workstation” (which is hereafter referred to as “Gavron”). As shown above, Kibre describes a method like that of claim 11, which is for automatically composing text

to be displayed as a screen saver. Kibre also teaches options to customize the screen saver (see e.g. column 7, lines 12-26). However, Kibre does not disclose that these options include a link to a dialogue box having an option to provide basic screen saver options including at least one of length of time to wait before initiating screen saver mode and which corner of the screen to move a pointing device to initiate screen saver mode, as is expressed in claim 17.

Nevertheless, Gavron discloses that Windows NT 4.0 includes a "display icon," which when selected, results in the display of a "Display Properties" interface, i.e. window (see "step 2" on page 131). This window includes a "Screen Saver" tab, which when selected opens a dialogue box having an option to provide basic screen saver options, such as the length of time to wait before initiating screen saver mode (see "step 5" on page 131).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Kibre and Gavron before him at the time the invention was made, to modify the method taught by Kibre, to include a dialogue box having an option to provide basic screen saver options, such as the length of time to wait before initiating screen saver mode, as is done by Gavron. It would have been advantageous to one of ordinary skill to utilize such a dialog box, because it provides the user more control over the display of the screen saver, as is demonstrated by Gavron.

Allowable Subject Matter

Claims 1-2, 5-10, 18, and 23-26 are allowed. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, automatically composing text for display during a screen saver is known in the art (see e.g. U.S. Patent No. 5,966,691 to Kibre et al.). Moreover, composing and displaying poems as a screen saver is known in the art (see e.g. the “Electromagnetic Poetry Kit” reference, previously cited). The prior art further teaches referencing a model (e.g. a lexicon) and randomly selecting words from the model in order to compose such text, wherein the model comprises particular words in order to influence the style of the text (see e.g. U.S. Patent No. 5,966,691 to Kibre et al.). The prior art, however, does not explicitly teach loading an author analysis model – which is created by scanning and analyzing one or more poems created by a particular author (see e.g. page 3, line 21 – page 4, line 3 of the specification of the instant Application) – and randomly selecting a seed word from the author analysis model, and completing a poem based on the seed word using the author analysis model, as is required by claim 1.

As claims 2, 5-10, and 18 depend on claim 1, and include all of the limitations of claim 1, claims 2, 5-10, and 18 are allowed for the reasons in which claim 1 is allowed.

Regarding claim 23, the prior art teaches a program product for automatically composing text for display during a screen saver (see e.g. U.S. Patent No. 5,966,691 to Kibre et al.). Moreover, composing and displaying poems as a screen saver is known in the art (see e.g. the “Electromagnetic Poetry Kit” reference, previously cited). The prior art further teaches referencing a model (e.g. a lexicon) and randomly selecting words from the model in order to

compose such text, wherein the model comprises particular words in order to influence the style of the text (see e.g. U.S. Patent No. 5,966,691 to Kibre et al.). The prior art, however, does not explicitly teach loading an author analysis model – which is created by scanning and analyzing one or more poems created by a particular author (see e.g. page 3, line 21 – page 4, line 3 of the specification of the instant Application) – and randomly selecting a seed word from the author analysis model, and completing a poem based on the seed word using the author analysis model, as is required by claim 23.

As claims 24-26 depend on claim 23, and include all of the limitations of claim 23, claims 24-26 are allowed for the reasons in which claim 23 is allowed.

Claims 15, 21, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

Regarding each of these claims, automatically composing text, based on a user input word, is known in the art, as is analyzing pre-existing textual compositions to generate data structures comprising n-grams such as 1-grams and bigrams. Also known in the art is automatically composing a textual composition by using such data structures to determine appropriate words for the composition, specifically by locating a particular word in the data structure, and determining words that follow it in the data structure. However, the prior art does not specifically teach avoiding plagiarism while generating compositions in such a manner, specifically by examining weights represented in the data structures to avoid counts of words in

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the linked data structure that would repeat identical words from pre-existing compositions, as is recited in claims 15, 21, and 30.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (571) 272-4044. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

btb
10/15/2006

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